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SUBJECT: MACEDONIA: INPUT FOR OSCE HUMAN DIMENSION MEETING

REF: STATE 59944

SUMMARY

1. (U) In response to the request for information on Macedonia's commitment to human rights and fundamental freedoms for the OSCE's annual Human Dimension Implementation Meeting (reftel), Post offers the following summary of concerns and progress in areas of democratic development and human rights. End Summary.

Elections

2. (SBU) Following June 2008 Parliamentary elections marred by violence and serious irregularities and assessed as failing to meet key international standards, Macedonia held combined presidential and municipal elections in March/April 2009. There were substantial hurdles to ensuring improved conduct of the 2009 elections: Just seven months ahead of the March/April 2009 elections OSCE/ODIHR made 28 recommendations for improving elections in areas of administration, legal framework, voter register, election campaign, media and election day and voting procedures. Additionally, the State Electoral Commission (SEC) faced the significant procedural challenge of administering Macedonia's first-ever jointly conducted presidential and municipal elections.

3. (SBU) Ahead of the March/April 2009 elections, the GoM undertook to address a number of the 28 ODIHR recommendations for improving the conduct of elections. The March/April 2009 presidential and municipal elections were conducted without any serious incidences of violence, and were generally procedurally well-administered -- a significant improvement over 2008 parliamentary elections. The elections were assessed as meeting most OSCE and Council of Europe commitments and standards for democratic elections.⁸ Even between rounds of elections on March 22 and April 5, the GoM made efforts to address shortfalls. Between the first and second round, for example, the SEC provided more explicit instructions to local electoral boards to take responsibility for preventing proxy and group voting (a practice that many have long turned a blind eye to here), significantly reducing proxy/group voting rates.

4. (SBU) However, areas for progress in the conduct of elections remain. The SEC was expected to take over responsibility for the bloated voter register from the Ministry of Justice between the 2008 and 2009 elections, but the hand-off was delayed until September of this year. Thoroughly culling and assuring accuracy of the list will be a substantial undertaking and should be an immediate priority for the SEC. Voter intimidation also remained a concern throughout the campaign, with the bulk of reports of intimidation coming from public sector workers and recipients of state benefits. Reports of intimidation increased between the first and second rounds of elections. OSCE/ODIHR noted that increasing numbers of troubling and credible reports

of pressure on or intimidation of citizens(seriously detracted from the overall quality of the election process.⁸

Religious Freedom

15. (SBU) The Government generally respected religious freedom in practice; however, the lack of effective implementation of the registration portion of the 2007 legal status law severely hindered new registrants' ability to acquire legal standing.

16. (SBU) In May 2008 Skopje Court II assumed responsibility for the registering religious groups under the 2007 law, which set out a checklist of application materials for registrants and a process for carry-over of registrations of religious groups registered by 1998. The law also set out clear timelines for the Court to complete the registration process-- 15 days for review of completeness of applications and an additional 8 days for entering the religious group into the register. The law requires that the name and official insignia of new religious groups be different from the names and insignias of already registered churches, religious groups and communities, but it allows multiple religious groups of a single faith to register.

17. (SBU) Skopje Court II assigned the registration process to a single judge who did not meet the timelines required by the law, leaving many applicants waiting months without information. The judge did not provide clear application guidelines and produced confusing decisions -- rejecting some applications for reasons not clearly set out in the law's checklist, including requiring Macedonian citizenship of the religious group's "Responsible Person" and requiring that the group's articles of incorporation are dated after the entry-into-force of the new law. The judge in charge and the president of the court also stated that they are required to ensure that sources of teaching and liturgy for new registrants are different from those of existing registrants, which is clearly contrary to the intent of the law. More than a year after the law entered into force, only two of twelve new applicants have successfully registered, and ten have been rejected or remain pending, some for many months past the legal deadlines.

Media Freedom

18. (SBU) Strong government criticism of media coverage viewed as anti-patriotic⁸ negatively impacted freedom of the press. In June 2008 Prime Minister Gruevski criticized Macedonian correspondents in Brussels for speculating at the expense of their own country⁸ and suggested the media should work in the country's interests. His statement triggered harsh criticism from the Macedonian Association of Journalists and the Vienna-based South East European Media Organization, citing interference with media independence. There were also complaints and allegations of government pressure and even threats against media outlets that did not report favorably on the government. In addition, the government wielded influence on the media as the country's largest advertiser, with the most lucrative contracts given to friendly media. Some journalists were also forced to pay substantial fines in cases of defamation, libel, and slander of government officials brought by private citizens, additionally limiting media freedoms.

Trafficking in Persons

19. (SBU) Macedonia has made notable progress in recent years in combating trafficking in persons, evidenced in its second consecutive ranking as a "Tier 1" country by the State Department in the 2008 Trafficking in Persons Report. Macedonia made progress toward eliminating trafficking with commendable efforts in identifying and protecting victims of trafficking, prosecuting traffickers, and preventing trafficking.

Judicial Transparency

¶10. (SBU) In recent weeks, PM Gruevski instructed his Minister of Justice, in the presence of U.S. Embassy officials, to take the following measures: to see to it that all decisions by all courts be made available to the Macedonian public within 48 hours of issuance, by July 1, and available on an official website by June 2010 with minimal redactions; that meetings of the Judicial Council and Prosecutors Council are to be open to the press and public, starting with their next meetings; and that defense attorneys will have unfettered access to clients in pre-trial detention. Once implemented, these will all be significant steps forward for Macedonia's judicial process and adherence to human rights commitments.

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